

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 728

Case No. 92-14

(Map Amendment @ 9th & Lawrence Sts., N.E.)

January 11, 1993

On September 14, 1992, the Office of Zoning (OZ) received an application of Rosetta D. Murray. The application requested the Zoning Commission for the District of Columbia to change the zoning of lots 18 and 38-41 in Square 3831 from C-M-1 to R-4.

The subject site is located east of and contiguous to the B&O Railroad right-of-way at the southwest corner of the intersection of 9th and Lawrence Streets, N.E. in the Brookland neighborhood of the city.

The subject site measures 9355 square feet in land area, and is vacant unimproved land that was formerly improved with single-family rowhouses. Those rowhouses were demolished in the late 1960s or early 1970s to make way for the Metrorail system.

The applicant proposes the change of zoning to facilitate the construction of five row dwellings.

The C-M-1 District permits development of low bulk commercial and light manufacturing uses to a maximum floor area ratio (FAR) of 3.0, and a maximum height of three stories/40 feet with new residential uses prohibited.

The R-4 District permits matter-of-right development of residential uses (including detached, semi-detached and row single-family dwellings and flats) with a minimum lot area of 1,800 square feet, a minimum lot width of eighteen feet, a maximum lot occupancy of sixty percent, and maximum height limit of three stories/forty feet. Conversions of existing structures to apartments are permitted for lots with a minimum lot area of 900 square feet per dwelling unit.

The District of Columbia Office of Planning (OP), by memorandum dated November 6, 1992, recommended that the application be denied without hearing.

OP, in part, stated the following:

"The Comprehensive Plan Generalized Land Use Map designates the industrially-zoned area east of the railroad tracks, including the subject site, as low density residential.

Presumably, this designation was applied to the area because it was or had been developed with residences, albeit rowhouses (moderate density), and it was probably seen as a general extension of the low density residential community east of 9th Street, N.E.

The only adjacent residential zone district is an R-2 District. The closest R-4 District is on the other side of the block wide area along the tracks, zoned C-M-1. The area proposed for rezoning consists of only 9,355 square feet of land area. If it were rezoned to R-4 in order to enable the construction of five rowhouses, as requested by the applicant, the result would be a very small and distinct area of R-4 zoned land lying between C-M-1 and R-2 zone districts (see attached map). Therefore, OP believes that granting the applicant's request to rezone the site from C-M-1 to R-4 would constitute spot zoning which would be harmful to the City's zone plan and recommend that the proposed rezoning be denied without a public hearing."

On November 16 and December 14, 1992 at the Zoning Commission's monthly meetings, a representative of OP indicated that the proposal appeared to have some planning merit but that the requested R-4 rezoning would constitute spot zoning. OP also indicated that it would consider the subject site and the immediate area in the Ward 5 Zoning Consistency Initiative.

The Office of Zoning received no comments in the application from Advisory Neighborhood Commission (ANC) 5A nor any other individual or organization.

On December 14, 1992 and pursuant to 11 DCMR 3012.1, the Zoning Commission provided the applicant an opportunity to comment on the application. No representative of the applicant was present.

The Zoning Commission concurs with the rationale and recommendation of OP and believes that the application lacks sufficient merit to be set for public hearing.

The Commission also believes that it is more appropriate to consider rezoning initiatives for the subject area in association with the Ward 5 Zoning Consistency Initiative.

The Commission further believes that the application, as filed, is not in the best interest of the District of Columbia, is inconsistent with the intent and purpose of the Zoning Regulations and Zoning Act, and is inconsistent with the Generalized Land Use Map of the Comprehensive Plan for the National Capital.

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In consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby orders that the application in Z.C. Case No. 92-14 be DENIED without hearing.

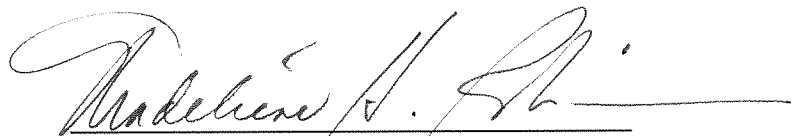
Vote of the Zoning Commission taken at its regular monthly meeting on December 14, 1992: 3-0 (Maybelle Taylor Bennett, John G. Parsons and Tersh Boasberg, to deny without hearing - William L. Ensign and Lloyd D. Smith, not present, not voting).

This order was adopted by the Zoning Commission at its regular monthly meeting on January 11, 1993 by a vote of 3-0 (Maybelle Taylor Bennett, John G. Parsons, and Tersh Boasberg, to adopt as corrected - Lloyd D. Smith and William L. Ensign, not voting not having participated in the case).

In accordance with 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register; that is, on FEB 12 1993.



TERSH BOASBERG  
Chairman  
Zoning Commission



MADELIENE H. ROBINSON  
Acting Director  
Office of Zoning

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